

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Apr 15, 2021**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MARIA S.,

Plaintiff,

v.

ANDREW M. SAUL, Commissioner  
of the Social Security Administration,

Defendant.

No: 1:20-CV-03058-FVS

ORDER GRANTING STIPULATED  
MOTION FOR REMAND

BEFORE THE COURT is the parties' Stipulated Motion for Remand pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 17. The Plaintiff is represented by Attorney D. James Tree. The Defendant is represented by Special Assistant United States Attorney Leisa A. Wolf.

After consideration, **IT IS HEREBY ORDERED** that the Stipulated Motion for Remand, ECF No. 17, is **GRANTED**. The Commissioner's final decision is reversed and remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Upon remand to the Commissioner of Social Security, the Appeals Counsel should remand this case to the Administrative Law Judge (ALJ) for a de novo hearing and a new decision. On remand, the ALJ shall (1)

1 reconsider the severity of Plaintiff's headaches; (2) re-evaluate the medical  
2 opinions of record, including the opinions of Ovidio Demiar, PA-C, Douglas  
3 Wrung, M.D., Michael Regets, Ph.D., and Diane Fligstein, Ph.D., and explain,  
4 with citations to evidence, what weight is given to the opinions and why; (3) As  
5 necessary, obtain evidence from an appropriate medical expert related to the nature  
6 and severity of and functional limitations resulting from Plaintiff's medically  
7 determinable impairments; (4) in light of the above findings, the ALJ will reassess  
8 Plaintiff's residual functional capacity and intensity, persistence, and limiting  
9 effects of his symptoms, consistent with Social Security Ruling 16-3p and, if  
10 necessary, obtain additional vocational expert testimony; (5) proceed with the  
11 remaining steps of the sequential evaluation process, including obtaining new  
12 vocational expert testimony; and (6) the ALJ will further develop the record, offer  
13 Plaintiff the opportunity for a hearing, take any further action needed to complete  
14 the administrative record, and issue a new decision.

15 The parties stipulate that this case be reversed and remanded to the ALJ on  
16 the above grounds pursuant to sentence four of 42 U.S.C. § 405(g). Therefore, the  
17 matter is remanded to the Commissioner for additional proceedings pursuant to  
18 sentence four of 42 U.S.C. § 405(g). Upon proper presentation, this Court will  
19 consider Plaintiff's application for costs and attorney's fees under 28 U.S.C. §  
20 2412(d).

21 It is **FURTHER ORDERED** that Plaintiff's Motion for Summary

1 Judgment, **ECF No. 13**, is **DENIED** as moot, given the parties' motion for  
2 remand.

3 The District Court Executive is hereby directed to enter this Order and  
4 provide copies to counsel, enter judgment in favor of the Plaintiff, and **CLOSE** the  
5 file.

6 **DATED** April 15, 2021.

7  
8 *s/Fred Van Sickle*  
9 Fred Van Sickle  
10 Senior United States District Judge  
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